

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID ELIJAH BOWERS, JR.,

Plaintiff,

Case No. 23-cv-773-pp

v.

STATE OF WISCONSIN, TONY EVERS,
MANDELA BARNES, CAVALIER JOHNSON,
JEFFREY NORMON, DAVID M. ERWIN
and DANIEL BLACKDEER,

Defendants.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYING FILING FEE (DKT. NO. 2)**

On June 14, 2023, the plaintiff—representing himself—filed a complaint, dkt. no. 1, and a motion for leave to proceed without prepaying the filing fee, dkt. no. 2. Before it can allow the plaintiff to proceed without prepaying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i). To qualify to proceed without prepaying the filing fee, a plaintiff must fully disclose his financial condition truthfully under penalty of perjury. See 28 U.S.C. § 1915(a)(1) (requiring the person seeking to proceed without prepaying the fee to file “an affidavit that includes a statement of all assets [they] possess[]”).

The plaintiff’s motion states that his monthly wages/salary are \$151,000 and that in the past twelve months has received payments of \$965 in Social

Security benefits and \$310 in Social Security disability. Dkt. No. 2 at 3. The plaintiff also indicates that he has \$115,134.77 in “cash or checking, savings, or other similar accounts,” and that he does not own his home or a car. Id. at 2. As for monthly expenses, the plaintiff indicates that he pays \$600 in rent, \$25 in credit card payments, and \$1,000 in “other household expenses (e.g., groceries, clothing, medical costs, utilities, cell phone, internet, etc.).” Id. Based on the facts in the plaintiff’s affidavit, the court concludes that the plaintiff has the ability to pay the \$402 filing fee (the current filing fee is \$405, but when the plaintiff filed his complaint in June 2023, the fee was \$402). The court will take no further action in the case until it has received the filing fee.

The court **DENIES WITH PREJUDICE** the plaintiff’s motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

The court **ORDERS** that the plaintiff must pay the \$402 filing fee in time for the court to *receive* it by the end of the day on **May 31, 2024**. If the court does not receive the full filing fee by the end of the day on May 31, 2024, the court will dismiss the case on the following business day without further notice or hearing for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 13th day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge